

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
- v. - : OF FORFEITURE AS TO SPECIFIC
MICHAEL ALBARELLA, : PROPERTY
Defendant. : 20 Cr. 378 (LJL)
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WHEREAS, on or about July 23, 2020, MICHAEL ALBARELLA (the “Defendant”), among others, was charged in two counts of a six-count Indictment, 20 Cr. 378 (LJL) (the “Indictment”), with conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h) (Count Five); and bank bribery – solicitation and acceptance, in violation of Title 18, United States Code, Sections 215(a)(2) and 2 (Count Six);

WHEREAS, the Indictment included a forfeiture allegation as to Count Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A), of any property constituting, or derived from, proceeds the Defendant obtained directly or indirectly, as the result of the commission of the offense charged in Count Six of the Indictment;

WHEREAS, on or about July 6, 2020, the Defendant voluntarily turned over \$4,700 in United States currency to the Government (the “Specific Property”);

WHEREAS, on or about March 18, 2021, the Defendant pled guilty to Count Six of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Six of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(A): (i) a sum of

money equal to \$5,000 in United States currency, representing proceeds traceable to the commission of the offense charged in Count Six of the Indictment;

WHEREAS, on or about March 19, 2021, the Court entered a Consent Preliminary Order of Forfeiture/Money Judgment ordering that a money judgment in the amount of \$5,000 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Six of the Indictment that the Defendant personally obtained, be entered against the Defendant;

WHEREAS, the Defendant consents to the forfeiture of all his right, title and interest in the Specific Property, which constitutes proceeds of the offense charged in Count Six of the Indictment; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorneys, Cecilia E. Vogel and Tara M. LaMorte of counsel, and the Defendant, and his counsel, David Wikstrom, Esq., that:

1. As a result of the offense charged in Count Six of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, MICHAEL ALBARELLA, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States Customs and Border Protection, or its designee the Office of Fines, Penalties, and Forfeiture, is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional

facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

8. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

10. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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11. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By:



Cecilia E. Vogel
Tara M. LaMorte
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1084/1041

6/25/2021

DATE

MICHAEL ALBARELLA

By:



Michael Albarella

DATE

By:



David Wikstrom, Esq.

Attorney for Defendant
950 Third Avenue, 32nd Floor
New York, NY 10022

June 25, 2021

DATE

SO ORDERED:



HONORABLE LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE

8/10/2021

DATE

11. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: _____

Cecilia E. Vogel
Tara M. LaMorte
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1084/1041

_____ DATE

MICHAEL ALBARELLA

By: _____

Michael Albarella

6/25/21
_____ DATE

By: _____

David Wicksom, Esq.
Attorney for Defendant
950 Third Avenue, 32nd Floor
New York, NY 10022

_____ DATE

SO ORDERED:

HONORABLE LEWIS J. LIMAN
UNITED STATES DISTRICT JUDGE

8/10/2021
_____ DATE